

SECTION 8

NONCONFORMING USES, BUILDINGS OR STRUCTURES

8.1 Nonconforming Uses

- a. Any nonconforming use lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment hereof.
- b. Change: A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use, which does not conform to these Regulations.
- c. Extension or Enlargement: No nonconforming use shall be extended or enlarged inside or outside a building or structure unless as otherwise provided herein. AMENDED EFFECTIVE JUNE 13, 1975.
- d. Moving: No nonconforming use of a building or structure may be moved to any part of the parcel of land upon which the use was conducted.
- e. Alterations and Repairs: A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration.
- f. Restoration: Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months of such damage or destruction.
- g. Discontinuance or Abandonment: Any nonconforming use of land, building to structure which has ceased by voluntary discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of these Regulations. Voluntary discontinuance or abandonment shall be determined on the basis of objective evidence rather than subjective evidence.

8.2 Nonconforming Buildings Or Structures

- a. Any nonconforming building or structure lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provisions of these Regulations or any amendment hereof.
- b. Extension of Enlargement: No extension or enlargement of any nonconforming building or structure which increases the nonconformity of such building or structure shall be made, except that a nonconforming building or structure containing a permitted use may be extended or enlarged within the applicable yard requirements or, with the approval of the Zoning Board of Appeals after considering the criteria of Section 13.9 of these Regulations within as line which is not nearer to the lot lines than the existing building, provided such extension or enlargement provides for a permitted use containing no more dwelling units than the existing building.
- c. Restoration: Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area, cubic volume, density, bulk and site location existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months after such damage or destruction.

8.3 Illegal Use

Nothing in these Regulations, including the provisions of this Section 8 shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the zoning regulations in effect up to the effective date of these Regulations or any amendment hereof.

8.4 Safety

Nothing in these Regulations, including the provisions of this Section 8, shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

8.5 Construction Begun And/Or Permits, Special Exceptions Or Variances Issues Prior To Adoption Or Amendment Or Regulations Or Zone Change

Nothing in these Regulations or any amendment hereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure, or premises for which a building permit has been issued on the effective date of these Regulations or such amendment or change in zoning classification and the substantial construction of which shall have been commenced and which entire building or structure shall have been completed within two (2) years from such effective date.

Nothing in these Regulations shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a special permit, special exception or variance has been issued by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, prior to the effective date of these Regulations or any amendment hereto or subsequent change in zoning classification, provided a building permit shall be obtained from the Building Official within one (1) year from such effective date and substantial construction of which shall have been commenced within one (1) year of the date of issuance of such building permit, and which entire building or structure shall be completed according to the approved plans within two (2) years from the date of issuance of said building permit; if any of said provisions are not complied with, such special permit, special exception or variance shall become null and void.